

MEMORANDUM

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Merits

Morant David Allen Junior was unlawfully sentenced and is facing unlawful confinement in the near future due to the district court's lack of personal and subject matter jurisdiction in case number 4:15-cr-07. The United States lacked jurisdiction to charge, adjudicate, and sentence David Allen Junior.

History of Jurisdictional Challenge

By rendering a judgment, a court tacitly, if not expressly, determines its jurisdiction over both the parties and the subject matter. *Stoll v. Gottlieb*, 305 US 165, 171-72, 59 S Ct 143 (1938).

A judgment is void if the court rendering judgment lacked jurisdiction. *U.S. v. Boch Oldsmobile, Inc.*, 909 F2d 657, 661 (1st Cir., 1990), and a void judgment is one where the court did not have jurisdiction over subject matter or did not have jurisdiction over the parties, *Rook v. Rook*, 233 Va. 92, 95, 353 SE 2d 756, 758 (1987).

A void judgment — as distinguished from an erroneous one — is, from its inception, a complete nullity and without legal effect, *Lubben v. Selective Service System*, 453 F2d 645, 649 (1st Cir., 1972). A void judgment is void even prior to reversal, *Valley v. Northern Fire & Marine Insurance Co.*, 245 US 348, 41 S Ct 116 (1920). Thus, no court can confer jurisdiction where none existed and no court can make a void proceeding valid, *Old Wayne Mutual Legal Association*

v. McDonough, 204 US 8, 27 Sct 236 (1907).

There exists no time limit for raising a challenge on jurisdictional grounds. Judgments have been vacated thirty (30) years after being rendered. SEE: Crosby v. Bradstreet Co., 312 F2d 483 (2nd Cir.) cert. denied, 373 US 911, 83 Sct 1300, 10 Led 2d 412 (1963). A void judgment can be challenged in any court, Old Wayne Mutual, supra..

David Allen Junior challenges the court's party jurisdiction and subject matter jurisdiction.

The Parties

The Defendant in case number 4:15cr 07 was David Allen Junior. David Allen Junior was born on July 18, 1979.

The Plaintiff in case number 4:15cr 07 was the United States of America. The Constitution of the United States was ratified by the votes of the original 13 states' conventions and declared-by the government to be-in effect on March 4th, 1789.

Arguments

However, as the following arguments demonstrate, the Constitution of the United States is void and, as a matter of law, lacks all legal authority. Subsequently, the federal corporation of the United States, based upon a void document, is legally nonexistent as a party in this matter.

The Constitution of the United States :

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History and Background

The Constitution of the United States was drafted by persons unknown to man over two (2) centuries ago. As an unratified document, it held no authority. The drafters of the constitution could not simply impose their proposed government upon the people of the original 13 states without their consent, as no government formed without the will of the people is legitimate (See: Preamble to the Constitution of the United States). For this reason, as a matter of legitimacy, the Constitution of the United States had to be ratified by the people of the original 13 states for it to have legal standing.

After its drafting, the constitution's ratification was put to a vote. Subsequently, as history has it, the Constitution of the United States was ratified by votes of the 13 colonies - which later became known as the 13 original states - by state conventions in the order in which they ratified the constitution as follows: Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina, and Rhode Island. The legal and contractual question posed to each voter was not whether the constitution and the government formed thereof should be imposed upon other countries and nations of people, but whether the voter approved of such government being imposed upon themselves. The voters were not asked, for instance, whether the Constitution of the United States should be imposed upon the people of Canada, Africa, or Mexico. The United States' voters had no legal

standing to contractually bind the people Canada, Africa, or Mexico to a government not of their own choosing. The people of the United States could only choose a government for themselves, could only accept the terms of the Constitution of the United States for themselves.

So properly, the question put to voters at the time of the ratification of the Constitution of the United States was whether they themselves consented to become subjects to the government that the Constitution of the United States described. The question put to voters was whether they accepted the terms of the contract; for the Constitution of the United States was a contract describing the rights and duties of two parties — the people of the United States and its proposed government. The voters could only accept the terms of the contract for themselves, not for others.

The Vote

Though there is a numerical record of the original 13 states conventions in connection with the ratification of the Constitution of the United States there is no record of exactly who those voters were, according to morant's knowledge, in relation to the several states and their representatives at the time during the initial ratification of the Constitution of the United States. However, women were prohibited from voting. Thus, any women living in the United States' territory after the Constitution of the United States was declared in effect on March 4, 1789 had a government imposed upon them without their consent or consultation. "Blacks" were not permitted to vote. They too were involuntarily subjected to a government not of their

own choosing. The same is true of "Native Americans." Persons under the age of consent were also excluded.

This left only "white" males over the age of consent who were allowed to decide the question of the United States Constitution's ratification. As women compose more than fifty percent of any given population, males were a minority. Given the low life-expectancy for people of that time, persons under the age of eighteen (18) likely composed a large percentage of the population and were also excluded. With the voting segment narrowed by the exclusion of "Native Americans" and "Blacks", the United States' Constitution was ratified only by a small, small minority of the United States' population.

Further, it is unknown how many of the small minority of the population - "white" males - were properly informed of the vote. Moreover, of those informed, it is not known how many of them met the voting criteria, if any existed.

It is feasible, under those exclusions and conditions, that only ten percent of the United States' population voted upon the constitution's ratification. Of that small minority, nearly half could have voted against ratification. So in the final analysis, it very well may have been that roughly five percent of the United States' population, composed exclusively of "white" males, voted to ratify the United States' Constitution and impose a government of their choosing upon other "white" males who voted against ratification; upon "white" males who did not meet voting criteria; upon women excluded from voting; and upon "Blacks" excluded from voting; upon "Native Americans"

excluded from voting; as well as excluding persons under the age of consent.

Illegitimacy of the Vote

A small, small percentage of the United States' population approved of a government and imposed it unwillingly upon a large majority. Such a ratification is not democratic. It is not valid. It does not meet the very basic international standards. If Jimmy Carter had been alive, he would have condemned the vote in the strongest terms.

As such, because the Constitution of the United States specifically states that no government formed without the will of the people is legitimate, the government originating from the United States' Constitution in this matter holds no legitimate authority since Morant was not - and has never been - a party to the United States' Constitution.

But more importantly, that small minority of "white" males in the late seventeenth hundreds who ratified the constitution only had the authority to accept the terms of the contract for themselves. As the United States' Constitution sets forth contractual terms between the people and the government, those ratifying such a contract could only ratify it for themselves, accept the terms for themselves. Just as the most basic legal principles prohibit the people of the United States from ratifying a constitution and imposing a government upon the people of Canada, Africa, or Mexico without their consent, the same principles prohibit a small group of voters from imposing a government upon the vast majority without their consent or consultation. They held no legal authority to ratify a constitution and impose a government

~~involuntarily~~ involuntarily upon others any more than they had legal authority to validate a contract and make it binding upon others without their consent or consultation.

Thus, by the most fundamental principles of contract law, the United States Constitution, ratified under the most dubious of circumstances by a small elite without legal authority to bind others or involuntarily impose a government upon others, is legally void. And with the United States Constitution void, the United States, as a federal corporation, is legally nonexistent in this matter.

United States Constitution Void As Contract

Mount David Allen Junior was not alive in 1789. He did not ratify the United States Constitution. Even assuming that a select few "white" males in 1789 possessed the lawful authority to approve a contract and impose its conditions upon the vast majority of the United States population without their consent — women, "Blacks", "Native Americans", young people — there exists no rationale for extending that authority and permitting those select few "white" males to impose the government of their choosing involuntarily upon all future generations.

Those select few "white" males in 1789 did not have legal standing to impose a future government of some unknown composition upon David Allen Junior, also unknown and in the future. Those select few only had the legal standing to contractually bind themselves to a government

of their choosing and incorporate it to rule themselves. In order for this court to contend that David Allen Quivor's conviction, sentencing, and future period of confinement to serve is lawful, it must determine the authority of an anonymous select few from 1789 to involuntarily impose a government, not only upon all of their fellow United States citizens of their time, but to impose a government of future strangers upon a majority of future strangers — forever.

Since the illegitimate and undemocratic ratification of the United States' Constitution in 1789, that generation who gave their consent to be ruled has died. Their contractual agreement to accept the terms of the United States' Constitution and the rule of the incorporated government created by it also died with them. The incorporation of the United States has never been renewed. In subsequent generations since 1789, no United States' citizen has given legal consent to be governed by such a corporation nor has anyone accepted the terms nor signed the contract that the United States' Constitution represents. There is no basis for assuming the consent of the people, in their current composition, and in particular, the Morant, to be ruled.

Addressing Arguments of Implied Consent

There are three (3) principle arguments most commonly put forward to justify the existence of the United States as a federal corporation in perpetuity — that is, that once voted into existence, the United States could exist forever. All three (3) arguments are based upon an assertion that the people of the United States have implicitly accepted the terms of this subjection through their own actions.

Paying Taxes

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It is argued that, by paying taxes, people have implicitly given their consent to be ruled by the government of the United States and have accepted the terms of this subjection. This is not the case.

Taxes are not voluntary. Taxes are levied upon pay before the paychecks ever reach the workers. Taxes are levied upon purchased goods before consumers ever take possession of the goods. One is not provided the option of not paying taxes.

This does not demonstrate the consent of the governed. In fact, it represents just the opposite: The appropriation of taxes without consent demonstrates the government's knowledge that, if taxation were left as a voluntary act, the people would refuse to pay and would permit the government to collapse. So in order to prevent the people's voluntary rejection of government, the United States, via the several States, exacts taxation through the same method used by robbers and tyrants and school yard bullies.

Voting

It is argued that, by voting, people have implicitly given their consent to be ruled by the United States' government and have accepted the terms of this subjection. This is not the case.

To begin, only a small percentage of the population votes. If anything, the low turn-out for voting implies the rejection of government by the vast majority of the population, more so than the ballots of a small percentage implies the acceptance of government. However, even the act of voting, for those who cast a ballot, does not imply consent to be governed or

ruled by this government.

Voters are given options to choose under what conditions the government exists. The voter is not given the option of rejecting government overtly and entirely through the ballot box. The government does not give such an option.

A rape victim who chooses for the rape to occur quickly and as physically-painless as possible - as opposed to slow and torturous - cannot be said to have "implied consent" to be raped. A robbery victim who opts to cooperate with the robber to lessen the chances of bloodshed cannot be said to have "implied consent" to be robbed. In the same way, the United States' citizens who vote in order to influence the conditions of their involuntary subjection cannot be said to have given implied consent to the government's illegitimate rule over them; they are simply attempting to make the involuntary slavery to which they have been subjected a little less painful.

Entering Territorial Boundaries of the United States

It is argued that, by entering the territorial boundaries of the United States, people have implicitly given their consent to be ruled by the United States and have accepted the terms of this subjection. This is not the case.

In the logic of this argument, the United States had long established its authority. Anyone thus proceeding into the territorial boundaries claimed by the United States, reasonably informed of the United States'

claims to authority, is thus implicitly consenting to the government's terms.

The United States have claimed authority and jurisdiction. However, anyone can assert authority and jurisdiction over an area. Any one of the millions of United States citizens can proclaim themselves King or Queen of the United States. Such a claim does not make their authority legitimate. Pursuant to the Constitution of the United States, authority is only legitimate when it is formed from the will of the governed. By this standard, anyone proclaiming themselves King or Queen of the United States would be invalidated — as would the United States and the constitution thereof, which has not been ratified by any living United States' citizen.

It is argued that the United States have made ~~their~~ their claim of authority long ago. However, the passage of time neither mitigates nor enhances the legitimacy of the government's claim to authority. The passage of time is not determinative to legitimacy. It could quite possibly mean that ~~that~~ the United States has gotten away with a vast bamboozlement for far too long.

Merant contends this is the case.

This "established territory" argument to justify the United States' legitimacy is analogous to the justification used by a school yard bully who divests other children of their milk money. Such a bully contends that the other children know that he has established his "turf", and that they are aware of the penalties for stepping

foot on the "turf," and therefore anyone entering consents to his or her nobility. But such an argument presupposes that each nation agrees that the bully has the authority to proclaim his "turf" in the first place.

In the case of the United States, this is clearly not the case. As already described, the constitutional basis of the government of the United States in this matter is legally void of lawful enforceability. Thus, any party to enter the territorial boundaries claimed by such an illegitimate government cannot be presumed to accept and recognize the government's Prima Facie claim to its "turf".

Simply living within the territorial boundaries claimed by an illegitimate power does not demonstrate a party's implied consent to be ruled. Such a government rules not on the basis of legitimacy and consent but upon force and greed. A people ruled under such basis are not citizens, but slaves.

Party Jurisdiction: The United States, Plaintiff in Case Number 4:15-cr-07

The ratification of the United States Constitution was not valid, as a small minority had no legal standing to impose a constitution and government upon others without consent. As a contract with delineated terms and stipulated rights and duties for both the people and the government, it could only be binding upon those who ratified it. Those who were

anonymous, and they are now dead. Without renewal, their contract died with them. No one living has consented to the incorporation of the United States nor voluntarily submitted to the terms of its contract — the United States Constitution. Those who contend to act on behalf of the United States are fraudulent inheritors of a dead corporation with no legal standing.

Thus, with the Constitution of the United States void, the United States was legally nonexistent. Even accepting the ratification of the United States' Constitution and its binding character upon those who ratified it, the contract died along with the generation who voluntarily accepted its terms, thus making the United States, again nonexistent.

As a nonexistent party, the United States had no legal standing as Plaintiff. The court lacked party jurisdiction over the United States, a nonexistent party.

Party Jurisdiction: David Allen Junior, Defendant in Case Number 4:15cr-07

The actions of an anonymous select few in 1789 do not impose any contractual burden upon David Allen Junior. He did not ratify the United States Constitution and he did not sign it; he did not agree to its terms and did not willfully and voluntarily agree to be ruled by the United States' government. David Allen Junior has breached no duty owed to the alleged United States.

David Allen Junior never voluntarily paid taxes. He never voted. While he lived within territorial boundaries where the alleged United States asserted authority, he never gave consent for the alleged United States to declare its authority where he lived, where he himself exercised de facto authority. And given David Allen Junior's own declaration of his own authority over his own home, it would appear that, with opposing claims of authority, there exists, at most, a territorial dispute between powers. Thus, David Allen Junior has never provided consent or implied consent for the United States to claim David Allen Junior as its subject.

As David Allen Junior was not subject to the authority of the alleged United States, the government thereof lacks jurisdiction over him.

Subject Matter Jurisdiction

As the Constitution of the United States is legally void, the United States is, at best, a dead corporation and a legally nonexistent entity. Its laws are void. It was without authority to regulate or govern the conduct of David Allen Junior.

Further, as David Allen Junior was never a subject of the United States, his conduct was never a matter for the government's regulation, even if the government lawfully existed.

Moreover, as David Allen Junior has never agreed to abide by any dictates of the alleged United States and has never entered into any contract agreeing to be subjected to it willfully, voluntarily, intelligently, without the presence of threat, duress, coercion and/or force, he breached no legal or contractual duty to the alleged United States. The alleged United States has no basis for bringing an action against David Allen Junior.

Therefore, on the basis of (1) the United States' lack of legitimate authority and legal existence, (2) David Allen Junior's conduct not

being a matter for the government's regulation, and (3) the lack of David Allen Quier's legal or contractual duty to the alleged United States, the court in this case lacked subject matter jurisdiction.

Conclusion

WHEREFORE, based upon the foregoing, Movant David Allen Quier moves this court to vacate and invalidate the conviction and sentence imposed that is hereby challenged recognizing the United States Constitution as void and declaring the United States nonexistent as a legal party in this matter until such time as a constitution is validly, legally, and lawfully ratified by the people of the United States and any other relief to which movant may be entitled.

Respectfully Submitted,

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